



## INTERIOR BOARD OF INDIAN APPEALS

J. Gilbert Sanchez v. Assistant Secretary - Indian Affairs

35 IBIA 218 (10/17/2000)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

J. GILBERT SANCHEZ,  
Appellant

v.

ASSISTANT SECRETARY - INDIAN  
AFFAIRS,  
Appellee

: Order Docketing and Dismissing  
: Appeal  
:  
:  
: Docket No. IBIA 01-5-A  
:  
:  
: October 17, 2000

J. Gilbert Sanchez (Appellant) has filed a notice of appeal with the Board of Indian Appeals. He states that he is appealing, on behalf of the Council of Principales of the Pueblo of San Ildefonso, a January 25, 1999, letter sent to him by the Assistant Secretary - Indian Affairs, in which the Assistant Secretary declined to withdraw recognition of the Pueblo's governing body.  
1/

The Board lacks jurisdiction to review decisions made by the Assistant Secretary - Indian Affairs, except where a matter is specially referred to the Board by the Secretary or the Assistant Secretary or where a right of review is established by regulation. E.g., Scotts Valley Band of Pomo Indians v. Assistant Secretary - Indian Affairs, 35 IBIA 89 (2000), and cases cited therein. No special referral has been made in this case, and no regulation authorizes Board review of the Assistant Secretary's January 25, 1999, decision. Therefore, the Board lacks jurisdiction over this appeal.

It is apparent that the Pueblo has had internal difficulties in recent years. In addition to Appellant's earlier appeal, see Gonzales v. Acting Albuquerque Area Director, 28 IBIA 229 (1995), and Naranjo v. Albuquerque Area Director, 23 IBIA 291 (1993). Both the Assistant Secretary and this Board have rejected the entreaties of various disputants within the Pueblo to impose a solution upon the Pueblo. In his January 25, 1999, letter, however, the Assistant Secretary stated that the Bureau of Indian Affairs stood ready and willing to assist the Pueblo resolve its internal problems. The Board has no reason to doubt that the Assistant Secretary's offer still stands.

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1/ Appellant filed a somewhat similar appeal in July 1999. That appeal was dismissed for lack of jurisdiction. Sanchez v. Bureau of Indian Affairs, 34 IBIA 62 (1999).

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

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//original signed

Anita Vogt  
Administrative Judge

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge